

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SIMON ROTTENBERG, individually and on :
behalf of all others similarly situated, :
Plaintiff, :

v. :

PORTFOLIO RECOVERY ASSOCIATES, :
LLC, :
Defendant. :

ORDER

22 CV 10001 (VB)

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Plaintiff commenced the instant action November 23, 2022. (Doc. #1).

On November 28, 2022, the Clerk of Court issued a summons as to defendant. (Doc. #4).

On December 12, 2022, plaintiff docketed proof of service on defendant on December 8, 2022. (Doc. #5). Accordingly, defendant had until December 29, 2022, to respond to the complaint. See Fed. R. Civ. P. 12(a)(1)(A)(i).

To date, defendant has neither appeared in this action nor answered, moved, or otherwise responded to the complaint.

Accordingly, provided that defendant remains in default, plaintiff is ORDERED to seek a certificate of default by **February 1, 2023**, and thereafter to move, by order to show cause and in accordance with the Court's Individual Practices, for default judgment against defendant by **February 15, 2023**. **If plaintiff fails to satisfy either deadline, the Court may dismiss the case without prejudice for failure to prosecute or failure to comply with court orders. Fed. R. Civ. P. 41(b).**

Dated: January 18, 2023
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge

